

**ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

March 22, 2021

1:29 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Roger Holland, Vice Chair
Senator Joshua Revak
Senator Gary Stevens
Senator Elvi Gray-Jackson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Alaska Workers' Compensation Board
Pamela Cline - Wasilla

- CONFIRMATION ADVANCED

Board of Massage Therapists
Julie Endle - Palmer

- CONFIRMATION ADVANCED

Board of Pharmacy
James Henderson - Soldotna
Justin Ruffridge - Soldotna

- CONFIRMATIONS ADVANCED

Board of Nursing
Michael Wilcher - North Pole

- CONFIRMATION ADVANCED

Board of Registration for Architects, Engineer & Land Surveyors
Robert "Bob" Bell - Anchorage

- CONFIRMATION ADVANCED

SENATE BILL NO. 88

"An Act relating to the state insurance catastrophe reserve account; and providing for an effective date."

- MOVED SB 88 OUT OF COMMITTEE

SENATE BILL NO. 90

"An Act relating to wills and the probate of wills; relating to the making, witnessing, self-proving, revocation, and probate of wills by electronic means; relating to the choice of law for execution of wills; relating to the certification of copies of wills; relating to the establishment of the validity of a will before death; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 88

SHORT TITLE: STATE INSUR. CATASTROPHE RESERVE ACCT.

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/22/21	(S)	READ THE FIRST TIME - REFERRALS
02/22/21	(S)	L&C, FIN
03/10/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/10/21	(S)	-- MEETING CANCELED --
03/12/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/12/21	(S)	Heard & Held
03/12/21	(S)	MINUTE(L&C)
03/22/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 90

SHORT TITLE: ELECTRONIC WILLS

SPONSOR(s): MYERS

02/22/21	(S)	READ THE FIRST TIME - REFERRALS
02/22/21	(S)	JUD, L&C
03/03/21	(S)	JUD AT 1:30 PM BUTROVICH 205
03/03/21	(S)	Heard & Held
03/03/21	(S)	MINUTE(JUD)
03/15/21	(S)	JUD AT 1:30 PM BUTROVICH 205
03/15/21	(S)	Heard & Held
03/15/21	(S)	MINUTE(JUD)
03/17/21	(S)	JUD AT 1:30 PM BUTROVICH 205
03/17/21	(S)	Moved CSSB 90(JUD) Out of Committee

03/17/21	(S)	MINUTE (JUD)
03/19/21	(S)	JUD RPT CS 3DP 2NR SAME TITLE
03/19/21	(S)	NR: REINBOLD, SHOWER
03/19/21	(S)	DP: KIEHL, HUGHES, MYERS
03/22/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

PAMELA CLINE, Appointee

Alaska Workers' Compensation Board

Department of Labor and Workforce Development (DOLWD)

Wasilla, Alaska

POSITION STATEMENT: Testified for reappointment to the Alaska Workers' Compensation Board.

JULIE ENDLE, Appointee

Board of Massage Therapists

Department of Commerce, Community and Economic Development

Palmer, Alaska

POSITION STATEMENT: Testified for reappointment to the Board of Massage Therapists.

JAMES HENDERSON, Appointee

Board of Pharmacy

Department of Commerce, Community and Economic Development

Soldotna, Alaska

POSITION STATEMENT: Testified for reappointment to the Board of Pharmacy.

JUSTIN RUFFRIDGE, Appointee

Board of Pharmacy

Department of Commerce, Community and Economic Development

Soldotna, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Pharmacy.

MICHAEL WILCHER, Appointee

Board of Nursing

Department of Commerce, Community and Economic Development

North Pole, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Nursing.

ROBERT "BOB" BELL, Appointee

Board of Registration for Architects, Engineers & Land Surveyors

Department of Commerce, Community and Economic Development

Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Registration for Architects, Engineers, and Land Surveyors.

SENATOR ROBERT MYERS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 90.

JOSIAH NASH, Staff
Senator Robert Myers
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 90, version B.

ABIGAIL O'CONNOR, Attorney
O'Connor Law LLC
Anchorage, Alaska

POSITION STATEMENT: Invited testimony in support of SB 90.

LINDA HULBERT, representing self
Fairbanks, Alaska

POSITION STATEMENT: Invited testimony in support of SB 90.

MATTHEW BLATTMACHR, Attorney
Peak Trust Company
Anchorage, Alaska

POSITION STATEMENT: Invited testimony in support of SB 90.

ACTION NARRATIVE

[1:29:50 PM](#)

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing Committee meeting to order at 1:29 p.m. Present at the call to order were Senators Revak, Gray-Jackson, Holland, Stevens, and Chair Costello.

She reviewed the agenda.

CONFIRMATION HEARING(S)
Alaska Workers' Compensation Board
Board of Massage Therapists
Board of Pharmacy
Board of Nursing
Board of Registration for Architects Engineers & Land Surveyors

1:31:37 PM

CHAIR COSTELLO announced the consideration of Governor Appointees to Boards and Commissions.

She asked Pamela Cline to introduce herself, provide a brief background, and explain her interest in serving on the Alaska Workers' Compensation Board.

1:32:10 PM

PAMELA CLINE, Appointee, Alaska Workers' Compensation Board, Department of Labor and Workforce Development (DOLWD), Wasilla, Alaska, stated that she had served on the board since 2012 and would like to be reappointed. She recounted that she started work as a pharmacy tech in 1994, moved to MatSu Regional Medical Center in 2000, and into the Anchorage IBEW office in 2012 to represent hospital and other workers through the union. She said she found it rewarding to work on worker's compensation cases and help injured employees. She opined that the board does a good job of looking at all sides of workers' compensation, providing necessary benefits, and ensuring that employer costs are reasonable.

CHAIR COSTELLO asked how many hospital workers she represents.

MS. CLINE replied she represents the 340 to 360 members at MatSu Regional that are not nursing or supervisor staff.

1:34:10 PM

CHAIR COSTELLO opened public testimony on the appointment of Pam Cline to the Alaska Workers' Compensation Board; finding none, she closed public testimony.

CHAIR COSTELLO asked Julie Endle to introduce herself, provide a brief background, and explain her interest in serving on the Board of Massage Therapists.

1:34:43 PM

JULIE ENDLE, Appointee, Board of Massage Therapists, Department of Commerce, Community and Economic Development (DCCED), Palmer, Alaska, stated that she had served on the Board of Massage Therapists since 2019. She related her background is in telephony and retail and she owns a vacation rental business. Her interest in serving on the board is to help prevent sex and human trafficking through the massage industry, to protect the public from harm, and to promote the integrity of the profession.

CHAIR COSTELLO thanked her for her past service and interest in continuing to serve.

1:36:04 PM

CHAIR COSTELLO opened public testimony on the appointment of Julie Endle to the Board of Massage Therapists; finding none, she closed public testimony.

CHAIR COSTELLO asked James Henderson to introduce himself, provide a brief background, and explain his interest in serving on the Board of Pharmacy.

1:36:33 PM

JAMES HENDERSON, Appointee, Board of Pharmacy, Department of Commerce, Community and Economic Development (DCCED), Soldotna, Alaska, stated that he began his pharmacy career in 1995 and opened his own home infusion pharmacy in Soldotna in 2014. He has served on the board for several years and would like to continue the work. He mentioned work on the opioid crisis and COVID-19 issues in particular.

CHAIR COSTELLO asked if he had any suggestions to improve the process for entering information into the prescription drug database.

MR. HENDERSON replied the process is simple as long as your computer is set up to enter the data. He observed that the process seemed more onerous for smaller businesses. He related that he enters data every day and he did not know if there was a way to improve the process because of the wide variation in software that is used.

SENATOR STEVENS asked for an explanation of home infusion.

MR. HENDERSON explained that it is a process of administering medications through infusion in a patient's home rather than in a hospital. For example, he might send a nurse to a private home to give a patient an antibiotic infusion.

SENATOR STEVENS thanked him for the explanation and for his service on the board.

1:39:52 PM

CHAIR COSTELLO opened public testimony on the appointment of James Henderson to the Board of Pharmacy; finding none, she closed public testimony.

CHAIR COSTELLO asked Justin Ruffridge to introduce himself, provide a brief background, and explain his interest in serving on the Board of Pharmacy.

1:40:24 PM

JUSTIN RUFFRIDGE, Appointee, Board of Pharmacy, Department of Commerce, Community and Economic Development (DCCED), Soldotna, Alaska, stated that he returned to his hometown of Soldotna to practice after graduating from Washington State University with a Doctor of Pharmacy degree. He has been involved in a variety of pharmacy practices including dispensing, compounding, ambulatory care, medication management services, vaccinations, and COVID-19 testing and vaccinations. He reported that he owns pharmacies in Soldotna, Girdwood, and Juneau. He also taught pharmacy at UA. He related that he has served on the Soldotna City Council for several years and he looks forward to serving the pharmacy profession as a whole.

CHAIR COSTELLO ask if the city council had addressed issues related to pharmacies and if there could be any conflict between that public service and serving on the Board of Pharmacy.

MR. RUFFRIDGE replied he had served on the city council since 2018 and pharmacy matters had not come up. He acknowledged that pharmacies have been in a spotlighted role with the pandemic by offering testing and vaccines.

1:43:35 PM

CHAIR COSTELLO opened public testimony on the appointment of Justin Ruffridge to the Board of Pharmacy; finding none, she closed public testimony.

CHAIR COSTELLO asked Michael Wilcher to introduce himself, provide a brief background, and explain his interest in serving on the Board of Nursing.

1:44:02 PM

MICHAEL WILCHER, Appointee, Board of Nursing, Department of Commerce, Community and Economic Development, North Pole, Alaska, stated that he had been a licensed LPN for 26 years and had lived and worked in Alaska since 1999. He related that he started as a long-term care nurse and found his niche in orthopedics. He supervised and managed clinics before taking a position at the VA clinic in Fairbanks. He said he was pleased when he was asked to apply for this position and he looks forward to the service. He noted that it would not conflict with his career as a federal employee.

SENATOR GRAY-JACKSON asked what he envisions his responsibility on the board will be, if approved.

MR. WILCHER replied he is inexperienced, but he has a lot of contact with nursing professionals and he hears their concerns. For example, it is difficult to find information about continuing education on the Board of Nursing website and it would be good to make that site more user friendly. He also mentioned disciplinary actions as an area that could use a fresh perspective.

SENATOR GRAY-JACKSON have if he had been under disciplinary action.

MR. WILCHER answered yes; it was related to continuing education credits. He explained that nurses must have 30 continuing education credits every two years and they submit proof of those at the request of the board. In 2016, he submitted 42 continuing education credits for review in response to a random audit. The board rejected 20 of those credits so he was 8 credits short. He said there was no place [on the website] that he could look to see whether the 20 credits he submitted were acceptable, but he did find that all states other than Alaska accepted those credits. He said he made up the credits, paid a \$1,200 or \$1,500 fine, and submitted to mandatory audits for the next two license renewals. He said he would like to make that kind of information easier to find on the board's website.

SENATOR GRAY-JACKSON asked if a false statement violation was part of the disciplinary action.

MR. WILCHER replied he did not recall the terminology but the matter is in his professional license record that is available online.

SENATOR GRAY-JACKSON asked if he had ever attended a Board of Nursing meeting.

MR. WILCHER answered no.

SENATOR GRAY-JACKSON asked if he would be able to put aside his clearly articulated personal opinions about the COVID-19 vaccine, mask wearing, and validity of the virus for the common good of all Alaskans.

MR. WILCHER answered absolutely, and he received the COVID-19 vaccine this morning.

1:52:58 PM

CHAIR COSTELLO opened public testimony on the appointment of Michael Wilcher to the Board of Nursing; finding none, she closed public testimony.

CHAIR COSTELLO asked Bob Bell to introduce himself, provide a brief background, and explain his interest in serving on the Board of Registration for Architects, Engineers, and Land Surveyors.

1:53:40 PM

ROBERT "BOB" BELL, Appointee, Board of Registration for Architects, Engineers & Land Surveyors, Department of Commerce, Community and Economic Development (DCCED), Anchorage, Alaska, stated that he was semi-retired after 50 years practicing engineering and land surveying in Alaska so he has the time to serve on this board. He listed his past board and commission service including the Anchorage Assembly, the State Board of Game, and the Performing Arts Center Board. He said he brings experience in the technical, administrative and political aspects of the professions this board oversees and he has enjoyed serving over the past year.

CHAIR COSTELLO thanked him for his decades of service to the state.

SENATOR STEVENS thanked him for his military service.

CHAIR COSTELLO asked what challenges he sees facing the professions that this board oversees.

MR. BELL answered that continuing education is a challenge because there is no clearly approved site an engineer, architect, or land surveyor can go to take courses and know the board will approve the credits. The board does not approve the courses UAA offers. The board tells licensees to read the statute to ensure a course meets the statutory requirements but the statute is vague. He opined that the board should list the courses it will accept that meet the statutory requirements.

CHAIR COSTELLO offered legislative help to review the statute and provide clarity.

SENATOR HOLLAND thanked each of the appointees that volunteered their service.

SENATOR GRAY-JACKSON expressed appreciation for his community service.

SENATOR STEVENS asked how often this board meets.

MR. BELL replied it meets for two days each quarter.

SENATOR STEVENS commented that it seems that the board could easily pre-approve continuing education courses and wished him luck in working toward a resolution.

SENATOR REVAK echoed his colleagues' comments and highlighted Mr. Bell's amazing list of accomplishments. The thanked all the applicants.

[1:59:20 PM](#)

CHAIR COSTELLO opened public testimony on the appointment of Robert "Bob" Bell to the State Board of Registration for Architects, Engineers, and Land Surveyors; finding none, she closed public testimony.

[1:59:34 PM](#)

SENATOR HOLLAND stated that in accordance with AS 39.05.080, the Senate Labor and Commerce Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Alaska Workers' Compensation Board
Pamela Cline - Wasilla

Board of Massage Therapists
Julie Endle Palmer

Board of Pharmacy
James Henderson - Soldotna
Justin Ruffridge - Soldotna

Board of Nursing
Michael Wilcher - North Pole

Board of Registration for Architects, Engineers & Land Surveyors
Robert "Bob" Bell - Anchorage

Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

SB 88-STATE INSUR. CATASTROPHE RESERVE ACCT.

2:00:22 PM

CHAIR COSTELLO announced the consideration of SENATE BILL NO. 88 "An Act relating to the state insurance catastrophe reserve account; and providing for an effective date."

She advised that the Rules Committee introduced the bill at the request of the governor and noted who was available to answer questions. She said this is the second hearing and her intention is to hear public testimony and look to the will of the committee.

CHAIR COSTELLO read the following transmittal letter for SB 88 into the record to refresh members' recollection of the bill:

The State of Alaska, through its self-insurance program, maintains insurance coverage to protect state assets and operations, and adequate reserves to satisfy all foreseeable claims or judgments. The State Insurance Catastrophe Reserve Account was established in 1987 to obtain insurance, establish a self-insurance reserve, and to satisfy ongoing claims and judgments. When it was originally established, the account was primarily intended as a reserve against large catastrophic losses. However, because the reserve balance is capped at \$5,000,000, the State has been acquiring excess coverage on the market to adequately protect against catastrophic losses. Market forces have changed, insurance rates continue to increase, and it is no longer cost effective for the state to purchase excess insurance. The Reserve's balance is typically capitalized through lapsing appropriations at the end of the fiscal year. By increasing the statutory cap to \$50,000,000 and slowly increasing the Reserve balance, the State will once again be able to fully self-insure against property losses. This change is estimated to save \$3 million the first year and up to \$6 million annually within four years.

This measure will provide the State flexibility, control, and cost savings in its self-insurance program.

CHAIR COSTELLO determined that the members had no questions for the director of the Division of Risk Management.

[2:03:00 PM](#)

CHAIR COSTELLO opened public testimony on SB 88; finding none, she closed public testimony and asked the will of the committee.

[2:03:18 PM](#)

SENATOR HOLLAND moved to report SB 88, work order 32-GS1689\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR COSTELLO found no objection and SB 88 moved from the Senate Labor and Commerce Standing Committee.

SB 90-ELECTRONIC WILLS

[2:03:42 PM](#)

CHAIR COSTELLO announced the consideration of SENATE BILL NO. 90 "An Act relating to wills and the probate of wills; relating to the making, witnessing, self-proving, revocation, and probate of wills by electronic means; relating to the choice of law for execution of wills; relating to the certification of copies of wills; relating to the establishment of the validity of a will before death; and providing for an effective date."

[CSSB 90(JUD) was before the committee.]

[2:04:23 PM](#)

At ease

[2:08:01 PM](#)

CHAIR COSTELLO reconvened the meeting and asked the sponsor to introduce the bill.

SENATOR MYERS, Alaska State Legislature, Juneau, Alaska, sponsor of SB 90 introduced the legislation paraphrasing the following sponsor statement.

[2:08:50 PM](#)

In Alaska, all wills except handwritten wills must be executed in-person with at least two witnesses

present. Current state probate legislation does not account for the remote signing and witnessing of wills. This can make it difficult for the elderly or those with little resources to plan their estate. The COVID-19 pandemic has exacerbated circumstances surrounding traditional estate planning. The public closure of the state's Pioneer Homes and assisted living homes has isolated many seniors from these services. Additional legislation is required to bring tools utilized throughout the pandemic, such as video conferencing, to the estate planning process.

SB 90 aims to fill the gap in probate legislation by allowing the electronic signing and witnessing of wills. This bill enables individuals to draft and sign a will on a computer, tablet, or other electronic device. Witnesses can also observe the execution of a will through a video and audio link and do not need to be physically present. These reforms and modernizations will bring additional accessibility and connectivity to a state that has many small rural communities out of the reach of the road system.

As Alaska moves towards the future, so should our will and probate process

SENATOR STEVENS commented on the potential for fraud and asked for assurance that nobody else could write his will for him.

SENATOR MYERS explained that to maintain the existing protections, the bill requires video and audio contact with the attorneys and notary who are attesting to the identity of the testator and witnesses during the will signing. He noted that Alaska probate law allows flexibility in writing the will but has robust protections to allow the opportunity to challenge the execution of the will.

CHAIR COSTELLO asked if other states have similar legislation.

SENATOR MYERS answered yes; he recalled that about 12 states allow this, and another 30 states are working on similar model legislation from the Uniform Law Commission. He noted that SB 90 altered the model legislation slightly to accommodate Alaska statutes.

CHAIR COSTELLO asked for an explanation of the Uniform Law Commission

SENATOR MYERS explained that it is a group of attorneys from across the country that create draft legislation to address topics that have widespread and national implications. Will writing is one of those topics. The model legislation is uniform to accommodate people who write their wills in one jurisdiction and subsequently move to another. With a uniform law, the will would be valid in both jurisdictions.

CHAIR COSTELLO asked if wills written in one jurisdiction are not necessarily valid if a person dies in another jurisdiction.

SENATOR MYERS replied he did not believe that had been an issue and SB 90 seeks to ensure that continues to be the case going forward.

2:15:02 PM

CHAIR COSTELLO asked him to explain the current process to file a will.

SENATOR MYERS explained that an individual would typically go to an attorney who would write their will; a notary would witness the signing by the testator and their witnesses giving reasonable assurance that it was created without duress; and the testator would then file the will at home, with their attorney, or the court.

2:16:10 PM

SENATOR REVAK asked if the bill stems in part because the pandemic made it difficult to impossible for people to prepare and file their wills.

SENATOR MYERS replied it was attorneys primarily who asked him to file the bill because it had been so difficult to complete probate work with their clients.

SENATOR STEVENS noted that he recently rewrote his will and filed it with the court so that his family knows where it is. He asked for an explanation of electronically filing a will with the court.

SENATOR MYERS clarified that the Court System in Alaska is not set up to accept electronic filing, including wills. The bill does provide that a will that has been signed electronically is valid and a certified copy may be filed with the court. The model legislation from the Uniform Law Commission allows electronic filing with the court and the original bill had that

language. The previous committee amended that language to reflect that the Alaska Court System cannot accommodate electronic filing.

CHAIR COSTELLO found no further questions and asked Mr. Nash to walk through the sectional analysis, including the changes the previous committee made.

[2:19:06 PM](#)

JOSIAH NASH, Staff, Senator Robert Myers, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 90, version B.

Section 1.

A will is defined as a document that directs how an individual's property should be distributed or managed after their death. This definition is expanded to include an electronic will.

Section 2.

Electronic presence is defined as two or more individuals in multiple locations with technology that enables these individuals to maintain audio and visual contact and communicate. This definition includes the communication between individuals who have a visual, hearing, or speech impairment. Additionally, an electronic will is defined as a will with electronic text and/or the electronic signature of the testator or a witness.

Section 3.

A will disposing of personal property in any location, or real property located in Alaska, made in or outside of Alaska by a resident or non-resident of the state where the property is located, is valid and admissible to probate in Alaska if the will is a record readable as text at the time of signing and signed by the testator and executed under the local law of this state, the jurisdiction where the testator was physically present when they signed the will, or the jurisdiction where the testator lived, either at the time of the execution of the will or at death.

Section 4.

Except as provided in several instances in other sections of the statutes, a will must be a record that is readable as text at time of signing, signed by the

testator or signed in their name by another individual who is taking direction from the testator and in their physical or electronic presence, and signed by at least two individuals who are in the physical or electronic presence of the testator at the time of signing and sign within a reasonable time after witnessing the signing of the will or the testator's acknowledgment of that signature. A will that does not comply with these requirements is valid as a holographic will without any witnesses if signature and material portions are in the testator's handwriting or readable as text.

MR. NASH explained that a holographic will cannot be generated electronically, but a copy in the form of an electronic image can be filed with the court. A computer with a text editor cannot be used to create a holographic will.

Section 5.

This section contains an oath for the testator and witnesses of a will to proclaim before an officer authorized to administer the oath of laws of the state where the testator is physically present.

This section contains an oath similar to the oath in Sec. 5 but is for use after the execution of a will to retroactively self-prove it.

[2:23:13 PM](#)

Section 7.

Except as provided in another section of the statutes, a will is valid if executed in compliance with the law at the time of execution of the place where the will is executed, which is the place where the testator is physically present while signing the will, or the laws of the place where the testator abodes at time of death.

Section 8.

A will or a section of a will is revoked by executing another will that overwrites the previous will, or by the testator destroying or deleting the will themselves or with the aid of another individual acting at their direction.

MR. NASH noted that a requirement was added for clear and convincing evidence to be used as the legal standard to prove a testators intent in revoking a will.

Section 9.

An individual can make a paper copy of their will by taking an oath that copy is true and accurate. If the will is self-proving, the copy must include the self-proving affidavits.

MR. NASH noted that the provision in Section 9 was amended in the previous committee to allow a copy of a holographic will, as discussed in Section 4.

Section 10.

A petition to the court to determine whether a trust is valid and enforceable before a settlor's death must contain:

1. A statement that a copy (may be electronic copy) of the will has been filed with the court.
2. A statement that the will is in writing or is an electronic will.
3. A statement that the will was signed by the testator or by another individual at the testator's direction in the physical or electronic presence of the testator.
4. In the case of a witnessed will, a statement that the will was signed by at least two individuals, each of whom signed within a reasonable amount of time after witnessing the signing of the will or the testator acknowledgment of the signature on the will.
5. In the case of a holographic will, a statement that the signature and material portions are in the testator's handwriting or a record readable as text.

MR. NASH advised that the foregoing was changed to be in electronic form, but it cannot be electronically generated.

6. A statement that the will is executed with the testator's intent.
7. A statement that the testator had legal and mental capacity.
8. A statement that the testator was free from undue influence and duress.

9. A statement that the will was not executed fraudulently or mistakenly.

10. Names and addresses of the testator, testator's spouse, testator's children, testator's heirs, personal representative nominated in the will, and the devisees of the will.

11. If minors, the ages of the testator's children, the testator's heirs, and the devisees under the will, as far as known or ascertainable with reasonable diligence by the petitioner.

12. A statement that the will has not been revoked or modified.

13. A statement that the testator is familiar with the contents of the will.

2:27:37 PM

SENATOR STEVENS asked what assurance he would have that an electronic will would be available in the future.

SENATOR MYERS replied he understands the concern but losing a will is already an issue when it is on paper. He said the previous committee primarily addressed revocatory acts and added, "deleting" to the list of ways a will could be revoked. The clear and convincing standard was added to ensure that when a will is deleted it is intentional. To safeguard a will the recommendation is to file it in a safe, with an attorney, with the court or all the foregoing to protect yourself and heirs, he said.

MR. NASH continued the sectional analysis. He advised that Section 10 was amended in the previous committee to clarify that a paper copy of an electronic will may be filed with the Alaska Court System. It is not set up to accept electronic wills.

Section 11.

Applications for informal probate or appointment shall be directed to the registrar and verified by the applicant to be true to the applicant's best knowledge as to the following information:

1. Every application for informal probate of a will or for informal appointment of a personal representative other than a special or successor representative, must contain the following.

a. A statement of interest of the applicant.

b. The name and age of the decedent, decedent death date, the judicial district, and the state

of the decedent's domicile at the time of death, and the names and addresses of the spouse, children, heirs, and devisees and ages of any who are minors ascertainable with reasonable diligence by the applicant.

c. If decedent was not living in the state at the time of death, a statement showing venue.

d. A statement identifying the address of any personal representative of the decedent appointed in this state or elsewhere whose appointment has not been terminated.

e. A statement indicating whether the applicant has received a demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere.

f. A statement that the time limit for informal probate has not expired either because three years or less have passed, that circumstances as described by the statutes, authorizing tardy probate or appointment have occurred.

2. An application for informal probate of a will must state the following in addition to the aforementioned statements:

a. Original of the decedent's will or a paper copy of the will is in the possession of the court, or accompanies the application, or that an authenticated copy or a will probated in another jurisdiction accompanies the application.

b. To the best of the applicant's knowledge, believes the will to have been validly executed.

c. After the exercise of reasonable diligence, the applicant is unaware of and instrument revoking the will, and that the applicant believes that the instrument that is the subject of the application is the decedent's will.

3. Application for informal appointment of a personal representative to administer an estate under a will must describe the will by date of signing and state the time and place of probate or the pending application or petition for probate. Application for appointment must adopt the statements in the application or petition for probate and state the name address and priority for appointment of the person whose appointment is sought.

4. An application for informal appointment of an administrator in intestacy must state in addition to the statements required by section one as aforementioned.

a. After reasonable diligence, the applicant is unaware of any unrevoked testamentary instrument relating to property having a situs in this state under statutes, or statement why any such instrument of which the applicant may be aware is not being probated.

b. Priority of the person whose appointment is sought and the names of any other persons having prior or equal right to the appointment.

5. Application for appointment of a personal representative to succeed a personal representative appointed under a different testacy status must refer to the order in the most recent testacy proceeding. The application must state the name and address of the person whose appointment is sought and of the person whose appointment will be terminated if the application is granted and describe the priority of the applicant.

2:35:02 PM

CHAIR COSTELLO turned to invited testimony.

2:35:03 PM

ABIGAIL O'CONNOR, Attorney, O'Connor Law LLC, Anchorage, Alaska, stated that she practices solely in the area of trust and estate law and was one in the group of Alaska trust and estate lawyers who drafted this legislation. It is based primarily on the Uniform Law Commission model legislation with some adjustment specific to Alaska.

MS. O'CONNOR addressed the questions the committee posed. Responding to Senator Steven's question about the potential for fraud, she said the sad reality is that fraud with wills cannot be prevented. The issue is handled by remedy and those will continue. With regard to filing an electronic will with the court, she said the bill has a new section for the certification of a copy of an electronic will and that certified paper copy can be filed with the court. Regarding the concern about a deleted or destroyed will, she said that is already a problem and it is the individual's responsibility to adequately protect and store their wills. She said she counsels her clients to file the will with the court, store it in a safe deposit box, or keep it in a fireproof safe.

In response to Senator Costello's question, she said states generally accept valid wills from other states, but there are exceptions. Florida, for example, does not accept any handwritten wills, even if they are deemed valid in another state. To the question of filing an electronic will with the court, she said that can be done by filing a certified [paper] copy of the electronic will.

In response to Senator Revak's question, she confirmed that there were difficulties for people trying to sign wills during the pandemic. Some people were unable to sign their wills altogether.

[2:40:52 PM](#)

MS. O'CONNOR said she supports SB 90, but believes that the language added with the amendments in the previous committee could be improved.

CHAIR COSTELLO asked her to provide her testimony and responses to the questions in writing.

[2:41:29 PM](#)

LINDA HULBERT, representing self, Fairbanks, Alaska, stated that she has been an insurance and financial professional for 30 years and the industry has transitioned from paper to electronic documents in the last year. Companies are able to write an application, underwrite an application, and deliver a policy electronically. Her clients want personal service and the efficiency of electronic documents. She said she supports SB 90; "The need for electronic wills is substantial."

CHAIR COSTELLO encouraged her to submit her testimony in writing.

[2:43:27 PM](#)

MATTHEW BLATTMACHR, Attorney, Peak Trust Company, Anchorage, Alaska, stated that his company practices in the area of estate planning. He agreed with previous testimony that the nation is moving in the direction of electronic documents. SB 90 would add clarity to the statutes as to what is allowed and how it is allowed. Rural communities in particular would be benefited, as would anybody who is affected by the COVID-19 pandemic. He voiced support for SB 90.

CHAIR COSTELLO encouraged him to submit his written testimony to the committee.

[2:44:39 PM](#)

CHAIR COSTELLO opened public testimony on SB 90; finding none, she closed public testimony.

[2:44:50 PM](#)

CHAIR COSTELLO held SB 90 in committee.

[2:45:29 PM](#)

There being no further business to come before the committee, Chair Costello adjourned the Senate Labor and Commerce Standing Committee meeting at 2:45 p.m.